



Agenda Item No. \_\_\_\_\_

File Code No. 570.08

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 27, 2011

**TO:** Mayor and Councilmembers

**FROM:** Parks Division, Parks and Recreation Department

**SUBJECT:** Appeal Of The Parks And Recreation Commission Action To Deny  
The Removal Of Two Street Trees Located At 21 North Milpas Street

### RECOMMENDATION:

That Council deny the appeal filed by Beverly Iles, and uphold the Parks and Recreation Commission decision to deny the removal of two *Ficus nitida* (Indian Laurel Fig Trees) located in tree wells at 21 North Milpas Street.

### DISCUSSION:

#### Tree Removal Application

On March 28, 2011, the Parks and Recreation Department received a tree removal application from Beverley Iles for the *Ficus* trees located in tree wells adjacent to 21 North Milpas Street (Attachment 1). The basis for the applicant's tree removal request was that the trees are causing damage to a private property, including lifting of a private walkway due to tree roots and blocked roof drains due to the accumulation of leaves.

#### Background

*Ficus* trees were planted as City trees along Milpas Street in 1961. Today there are 65 *Ficus* trees, two of which are located in the parkway adjacent to 21 North Milpas Street. The trees are maintained by the City's Forestry Program. Regular maintenance includes watering and trimming. Root pruning is also undertaken, as needed, for sidewalk repairs. All of the *Ficus* trees on Milpas Street were last pruned in March 2011 as part of the City's annual tree maintenance program.

Santa Barbara Municipal Code (SBMC) Chapter 15.20 Trees and Maintenance, provides guidance for City trees. SBMC Section 15.20.110 establishes the process and considerations for removal of City trees. Pursuant to Municipal Code Section 15.20.110, a street tree requires review by the Director of Parks and Recreation who shall consider whether the removal would benefit the state of the urban forest. If the Director finds that

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the removal will not benefit the state of the urban forest and is not necessary for safety, the Director may deny the application. The Director may also refer the application to the Street Tree Advisory Committee (STAC) for further review. The STAC provides a recommendation to the Parks and Recreation Commission (Commission) based on the considerations specified under 15.20.110E3.

Pursuant to SBMC 15.20.110, considerations during the review of a tree removal application, include:

- Whether the tree is an official Historic or Specimen tree.
- Whether the tree species and placement conform to the "Master Street Tree Plan."
- The condition and structure of the tree and the potential for proper tree growth and development of the tree canopy.
- The number and location of adjacent trees on City property and the possibility of maintaining desirable tree density in the area through additional planting on City property.
- Any beneficial effects upon adjacent trees to be expected from the proposed removal.

The Commission reviews the application materials and the STAC recommendation prior to taking action. Parks and Recreation Commission decisions on tree removal permit applications may be appealed to the City Council pursuant to SBMC 15.20.170.

#### Tree Removal Application Review

Beverley Iles' tree removal application was reviewed by the STAC at its April 7, 2011 regular meeting. The STAC reviewed materials submitted by the applicant and conducted a site visit. The STAC reviewed the Ficus tree closest to the building, determined the damaged private walkway could be repaired, and that leaf litter on the roof was an insufficient reason to remove the tree. The STAC determined the second Ficus tree is not currently causing any damage. The STAC also determined the trees could, through regular maintenance, be maintained to address safety concerns and prevent further damage. The STAC voted (2/1) to recommend that the Parks and Recreation Commission deny the tree removal application (Attachment 2).

The Parks and Recreation Commission considered the application and the STAC recommendation at its regular meeting on June 22, 2011. In addition to the considerations outlined in SBMC 15.20.110, the Commission discussed walkway repair options that would preserve the tree, the character of the Milpas Street tree canopy, and oversight the City Arborist would provide for root pruning of the City tree. The Commission voted (3/1) to concur with the STAC recommendation and thereby denied the tree removal application (Attachment 3). The Commission informed the applicant

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that if she chose to repair the private walkway, the tree roots could be pruned, and the City Arborist would determine at that time whether the root pruning would destabilize the tree to the degree that would necessitate its removal.

#### Appeal of the Parks and Recreation Commission's Decision

Ms. Iles is appealing the Parks and Recreation Commission's denial of her tree removal application on the basis that the roots from one of the trees have lifted the private walkway, that leaf litter causes roof leaks, and there is potential for future damage.

The Parks and Recreation Commission determined that with regular maintenance, the issues identified by the appellant can be addressed. The Commission took into account all the considerations for removal pursuant to SBMC 15.20.110 described above.

#### Claim For Damages

Ms. Iles filed a claim on March 28, 2011, with the Risk Management Division regarding damage to the private sidewalk and roof leaks. The Risk Management Division investigated the claim and determined that maintenance of private roof drains was the responsibility of the property owner, and grinding the concrete sidewalk would eliminate the elevated portions of the walkway. On May 11, 2011, the claim was denied. The Risk Management Division proposed a settlement that would cover the cost of grinding of raised concrete to make it flush.

#### **RECOMMENDATION:**

It is staff's position that the Parks and Recreation Commission considered all relevant issues pertaining to the tree removal application. Staff recommends that Council deny the appeal and uphold the decision of the Parks and Recreation Commission to deny the tree removal application.

- ATTACHMENTS:**
1. Tree Removal Application, dated March 27, 2011
  2. Street Tree Advisory Committee Meeting Minutes, April 7, 2011
  3. Parks & Recreation Commission Meeting Minutes, June 22, 2011
  4. Appeal letter and attachments, dated July 5, 2011

**PREPARED BY:** Tim Downey, Urban Forest Superintendent  
Jill E. Zachary, Assistant Parks and Recreation Director

**SUBMITTED BY:** Nancy L. Rapp, Parks and Recreation Director

**APPROVED BY:** City Administrator's Office

Tim Downey *Ferris*  
Arborist

564 5592



City of Santa Barbara  
Parks and Recreation Department  
**STREET TREE REMOVAL APPLICATION**

**Mailing Address:**  
PO Box 1990  
Santa Barbara, CA 93102  
(805) 564-5433 FAX (805) 897-2524

**Office Address:**  
402 E. Ortega St.  
Santa Barbara, CA 93101

Application Fee: \$50 (effective July 1, 2010)

ATTACHMENT 1

CITY OF SANTA BARBARA

MAR 28 2011

PARK & RECREATION  
PARKS DIVISION

DATE OF REQUEST:	March 27, 2011
APPLICANT:	Beverly ILES
ADJACENT OWNER NAME: (IF DIFFERENT THAN APPLICANT):	
MAILING ADDRESS:	6217 Cathedral Oaks Rd. Goleta 93117
DAYTIME PHONE:	(805) 964-4968
TREE LOCATION (Address):	21 No. Milpas St. S.B.
TREE SPECIES (IF KNOWN):	
REASON(S) FOR REMOVAL:	Causing damage to property, walkway & Roof

**PROVIDE THE FOLLOWING SUPPLEMENTAL INFORMATION**

- Property owner letter, indicating reasons for removal. Also include whether:
  - The removal application is associated with new development or redevelopment of property
  - Status of development application, including whether the project is scheduled for review by the Single Family Design Board, Architectural Board of Review or Historic Landmarks Commission
  - The tree is a designated Specimen or Historic Tree
- Photo of tree(s) proposed for removal
- Development plan/Landscape plan

For Risk Management Use Only:	Received by _____	via _____	For City Clerk Use ATTACHMENT 1
	U.S. Mail	€	
	Interoffice Mail	€	
	Over the Counter	€	

## CLAIM FOR DAMAGES AGAINST THE CITY OF SANTA BARBARA

Be sure your claim is against the City of Santa Barbara and not another public entity. Where space is insufficient, please use additional paper and identify by paragraph number. Completed claims must be mailed or delivered to: The City Clerk, City of Santa Barbara, City Hall, De La Guerra Plaza/P.O. Box 1990, Santa Barbara, CA 93102.

The undersigned respectfully submits the following claim and information relative to damage to persons and/or property against the City of Santa Barbara in accordance with the provisions of CA Government Codes Section 910:

1. Name of Claimant: Beverly ILES
  - a. Post Office Address of Claimant: 6217 Cathedral Oaks Rd.
  - b. City: Goleta State: CA Zip: 93117
  - c. Phone No: (Optional) 964-4968
  - d. E-Mail Address (Optional): \_\_\_\_\_
2. Name, telephone number and post office to which claimant desires notices to be sent (if other than above): \_\_\_\_\_

## 3. Occurrence or event from which claim arises:

- a. DATE: March 20th b. TIME: \_\_\_\_\_
- c. PLACE (specify or describe to allow investigator to locate; attach diagram, if possible):

21 No. Milpas St. SB CA 93102

- d. How and under what circumstances did damage or injury occur? Specify the particular occurrence, event, act or omission you claim caused the damage or injury:

The tree belonging to the City is huge and caused damages to the sidewalk ramp @ 21 No. Milpas St causing the roots to crack the walkway and crack toward the building.

The roots need to be removed & the cement put back to allow pedestrians to use the walkway. The tree on your prop. Overhangs too far on the roof causing numerous leaves

- e. What particular action by the City or its employees caused the alleged damage or injury? \_\_\_\_\_

To block the downing system and cause flooding into the storm causing damage to the ceiling tiles. Also the pipes get blocked from the debris causing flooding at the parking lot. Tree needs to be removed it is too large for this location.

## ATTACHMENT 1

4. Describe property damage, injury or loss, so far as is known at the time of this claim. If none, state "no injuries" or "no property damage."

Prop. damage to the vents, pipes & parking lot and  
Walkway cracked from the roots of your trees owned by the City.

5. Name(s) of the City employee(s) causing the damage and/or injury:

N/A

6. Name and address of any other person injured:

N/A

7. Name and address of the owner of any damaged property: Beverly Iles

6217 Cathedral Oaks Rd Colton 93117

8. a. Amount of damages claimed as of this date: \_\_\_\_\_  
b. Estimated future damages: \_\_\_\_\_  
c. Total damages claimed: \_\_\_\_\_  
d. Attach and describe the basis for calculation of damages claimed, including medical bills, invoices, estimates, payroll records, photographs, etc.: \_\_\_\_\_

- c. If total damages exceed \$10,000, jurisdiction is in (check one):  
Municipal court (claims up to \$25,000) [ ] or Superior court (claims over \$25,000) [ ]

9. Names, addresses and phone numbers of all witnesses, hospitals, doctors, etc.:

a. \_\_\_\_\_  
b. \_\_\_\_\_  
c. \_\_\_\_\_  
d. \_\_\_\_\_

10. Any additional information that might be helpful in considering claim (attach any photographs and/or diagrams):

Both city trees need to be removed from the prop. at street  
sidewalk close to the road. The wind & rain cause the roof to be  
constantly covered with leaves blocking the roof drains to drain  
water.

11. If this is a claim for indemnity, on what date were you served with the underlying lawsuit?

water.

12. Date: March 25, 2011

Beverly Iles  
Signature of Claimant or Attorney for Claimant or Legal  
Guardian or Parent of Minor or Incapacitated Claimant

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM! (Penal Code §72)







*Date:* 3/27/11

*Requested by:* Beverly Iles

*Address:* 6217 Cathedral Oaks Rd., Goleta, CA 93117

*Location of Tree:* 21 N. Milpas St.

**Tree Species:** (2) *Ficus microcarpa* 'Nitida' **Common Name:** Indian Laurel Fig

*Requested Reason for Removal:* Causing damage to property, walkway and roof.

*Current designated Street Tree:* *Melaleuca styphelioides*, Prickly Melaleuca

*Advisory Committee Recommendation:* *Approve Removal:* ☐ *Deny Removal:* ☒

*Staff Recommendation:* *Approve Removal:* ☐ *Deny Removal:* ☒

*Date Posted:* 6/14/11

*Comments:* The Committee recommends that the Commission deny the removals. The Committee determined that the damage can be mitigated with maintenance.

**PHOTO INVENTORY**



21 N. Milpas St. 6/22/11 Attachment 1







**CITY OF SANTA BARBARA  
PARKS AND RECREATION DEPARTMENT**

ATTACHMENT 2

**Street Tree Committee  
REGULAR MEETING  
Thursday, April 7, 2011  
Parks Lunch Room  
402 E. Ortega Street  
8:30 a.m.**

**Minutes**

1. CALL TO ORDER 8:33 AM
2. ROLL CALL  
Members present: Karen Christman, Bob Cunningham, Carol Bornstein  
Staff present: Tim Downey, Randy Fritz  
P&R Commission Liaison present: Lesley Wiscomb  
Members of the public: Des O'Neill, Beverly Iles, Raul Figueroa/Concrete Contractor, Steven Adrian, Robert Forouzandeh, Laura Pomerantz, Joe Chenoweth, Chris Gilliland
3. APPROVAL OF MINUTES
  - A. Regular Meeting, March 3, 2010 – Approved as amended

**Member Carol Bornstein moved, seconded by Bob Cunningham that the March 3, 2011 Minutes be approved as amended, passed 3/0.**

- B. Special Meeting, March 10, 2011 - Approved

**Member Carol Bornstein moved, seconded by Bob Cunningham that the March 10, 2011 Minutes be approved as submitted, passed 3/0.**

4. CHANGES TO THE AGENDA
  1. Take items A1, A3-A4, A7 and B1 before Member and Staff Communication.
5. MEMBER AND STAFF COMMUNICATION
  - A. PARKS AND RECREATION COMMISSION ACTIONS
    1. Tim reviewed the Commission actions.
    2. Tim updated on 320 Cooper Rd. – appeal was denied by City Council.
    3. Carol Bornstein shared an article about the million trees LA project.
6. PUBLIC COMMENT  
None
7. NEW BUSINESS
  - A. TREE REMOVAL CONSIDERATIONS

**STREET TREES**

1. 21 N. Milpas St. – (2) *Ficus microcarpa 'Nitida'*, Indian Laurel Fig – Beverly Iles

**Recommendation to deny**

The Committee recommends that the Commission deny the removals.

**Member Bob Cunningham moved, seconded by Carol Bornstein that the Commission deny the removals, passed 2/1. Member Karen Christman opposed.**

2. 530 Flora Vista Dr. – *Schinus terebinthifolius*, Brazilian Pepper – Sierra Property Management

**Recommendation to deny**

The Committee recommends that the Commission deny the removal.

**Member Carol Bornstein moved, seconded by Bob Cunningham that the Commission deny the removal, passed 3/0.**

3. 1215 E. Cota St. – (2) *Callistemon citrinus*, Lemon Bottlebrush – Leslie Colasse

**Recommendation to conditionally approve**

The Committee recommends that the Commission approve the removals. The Committee recommends that the Commission approve on the condition the trees be replaced with an Oak tree on other side of walkway.

**Member Bob Cunningham moved, seconded by Karen Christman that the Commission approve the removals on condition the trees be replaced with an Oak tree on other side of walkway, passed 3/0.**

**SETBACK TREES**

4. 507 Brosian Way – (3) *Eucalyptus spp.*, Eucalyptus – Mike and Mehri Forouzandeh

**Recommendation to conditionally approve**

The Committee recommends that the Commission conditionally approve the removal. The Committee recommends approval on the condition the applicant agrees to replace with 3 minimum 30' trees on private property, within 100 yards of the existing trees.

**Member Carol Bornstein moved, seconded by Bob Cunningham that the Commission conditionally approve the removals, passed 3/0.**

5. 3074 Marilyn Way – *Jacaranda mimosifolia*, Jacaranda – Starr and Jack Garvey

**Recommendation to conditionally approve**

The Committee recommends that the Commission conditionally approve the removal. The Committee recommends approval on the condition the tree be replaced with a tree that can achieve 20' minimum height.

**Member Bob Cunningham moved, seconded by Karen Christman that the Commission approve the removal on the condition the tree be replaced with a tree that can achieve 20' minimum height, passed 3/0.**

6. 508 La Marina – *Liquidambar styraciflua*, American Sweetgum – Carl Nastro/Action Tree

**Recommendation to conditionally approve**

The Committee recommends that the Commission approve the removal on the condition the applicant replace with a tree that can achieve minimum 25' height and spread.

**Member Carol Bornstein moved, seconded by Bob Cunningham that the Commission approve on the condition applicant replace with a tree that can achieve minimum 25' height and spread, passed 3/0.**

7. 33 E. Micheltorena St. – (4) *Podocarpus gracillior*, Fern Pine – Joe Chenoweth

**Recommendation to approve**

The Committee recommends that the Commission approve the removals.

**Member Bob Cunningham moved, seconded by Carol Bornstein that the Commission approve the removals, passed 3/0.**

**B. STREET TREE MASTER PLAN**

1. 1000 block of De La Vina St. – consider change to designated species

The Committee recommends co-designating *Hymenosporum flavum*, Sweetshade.

**Member Carol Bornstein moved, seconded by Bob Cunningham to add *Hymenosporum flavum*, Sweetshade as a co-designated tree, passed 3/0.**

2. 200-400 blocks of W. Valerio St. – consider additional species

Postpone to another meeting.

**Member Bob Cunningham moved, seconded by Carol Bornstein to postpone to another meeting, passed 3/0.**

**8. OLD BUSINESS**

Postpone to another meeting.

Meeting was adjourned at 11:15 AM

**Member Carol Bornstein moved, seconded by Bob Cunningham to adjourn, passed 3/0.**

Respectfully submitted,  
Tim Downey, Urban Forest Superintendent

**AMERICANS WITH DISABILITIES ACT:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Tim Downey at 564-5592. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements.



**City of Santa Barbara  
PARKS AND RECREATION DEPARTMENT**

**PARKS AND RECREATION COMMISSION  
Regular Monthly Meeting**

**Wednesday, June 22, 2011**

**Minutes**

**CALL TO ORDER:** The meeting was called to order at 4:02 p.m. at City Hall Council Chambers.

**PLEDGE OF ALLEGIANCE:** Chair Wiscomb

**ROLL CALL:**

**Commissioners & Staff Present**

Commissioner Lesley Wiscomb  
Commissioner W. Scott Burns  
Commissioner Chris Casebeer  
Commissioner Nicolas Ferrara  
Commissioner Beebe Longstreet  
Commission Intern Michael Yi  
Parks & Recreation Director Nancy Rapp  
Urban Forest Superintendent Timothy Downey  
Executive Assistant Karla Megill  
Recreation Program Manager Judith McCaffrey  
Parks Manager Santos Escobar, Jr.  
Recreation Programs Manager Sarah Hanna  
Recreation Program Director Kathy King  
Recreation Specialist Anita Ho

**Commissioners & Staff Absent**

Commissioner Rocky Jacobson  
Recreation Coordinator Kimmie Coley

**CHANGES TO THE AGENDA:** None

**WRITTEN COMMUNICATIONS:** None

**PUBLIC COMMENT:** No one wished to speak.

**COMMUNITY SERVICE RECOGNITION:**

**1. Recognition of ZoDo's Bowling and Beyond- For Action**

Recommendation: That the Commission recognize Rocky Horner and Steve Davis of ZoDo's Bowling and Beyond for their continued support of the Adapted bowling program



Documents:

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Nancy L. Rapp, Parks and Recreation Director; Kathy King, Recreation Program Director
- Members of the Public: Steve Davis, Zodos

**2. Community Recognition of Healthy Options for Teens, Culinary Arts Program Support - For Action**

Recommendation: That the Commission recognize Chef Ernie Price, Sam Kroll, and the Foodbank of Santa Barbara County for their support of the Healthy Options for Teens, Culinary Arts Program.

Documents:

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Nancy L. Rapp, Parks and Recreation Director; Anita Ho, Recreation Specialist; and Ricardo Venegas, Neighborhood & Outreach Services Coordinator

**YOUTH COUNCIL REPORT:** Youth Intern Yi provided this report.

**COMMISSIONER COMMITTEE ASSIGNMENT REPORTS:**

Commissioner Ferrara reported on the activities of the Neighborhood Advisory Council.

Commissioner Burns reported that the 90+ Birthday Event is scheduled for June 30th at 2PM at the Carrillo Recreation Center. He further reported on the activities of the Parks and Recreation Community Foundation.

Commissioner Longstreet reported on the Neighborhood Advisory Council's Block Party. She said the PARC Foundation will be trying to increase their presence in the Community.

Intern Yi reported on the Youth Leadership Awards Banquet.

Chair Wiscomb reported that she attended the recycling event at the Davis Center and it appeared to be very successful. She further reported on the activities of the Street Tree Advisory Committee. Ms. Wiscomb said that she attended the Ribbon Cutting Ceremony at the Westside Community Center Mural. She also said that she attended the first Annual Golfer Appreciation Day and the Franklin Drop-in Center Grand Opening Event. Ms. Wiscomb also reported on the activities of the subcommittee drafting the Youth Council Bylaws.

**COMMISSION AND STAFF COMMUNICATIONS:**

Ms. Rapp provided an overview of two Council Meetings during which Council discussed the allocation of Redevelopment Agency funds. She said the outcome of the meetings was full Council support for projects submitted by the Parks and Recreation Department. Ms. Rapp said the following projects, pending actions by the State related the Redevelopment Agency, have been prioritized for funding: the Cabrillo Pavilion Arts Center Bathhouse Facility Renovation;

Cabrillo Ballfield Renovation Project; Chase Palm Park Renovation; and the East Beach and Chase Palm Park Playground Replacement Projects.

Ms. Rapp announced that the Creeks Public Service Announcement has won a Regional Emmy Award.

Ms. Rapp advised the Commission that Antonio Velasquez has announced his Retirement from City service effective July 7, 2011.

### **CONSENT CALENDAR**

#### **3. Summary of Council Actions - For Information**

#### **4. Approval of Minutes - For Action**

Recommendation: That the Commission waive the reading and approve the minutes of the regular meeting of May 25, 2011.

**Commissioner Beebe Longstreet moved, seconded by Commissioner W. Scott Burns, and passed 3/0 to waive the reading and approve the minutes of the regular meeting of May 25, 2011.**

**Commissioner Ferrara abstained.**

### **STREET TREE ADVISORY COMMITTEE ITEMS**

#### **5. Street Tree Advisory Committee Recommendations - For Action**

Recommendation: That the Commission:

Documents:

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Tim Downey, Urban Forest Superintendent
- Members of the Public: Beverly Isles, Item 5A(1)

##### **A. Deny the following Street Tree removal request.**

- 1. 21 N. Milpas St. – (2) Ficus microparpa ‘Nitida’, Indian Laurel Fig – Beverly Isles – continued from April 27, 2011**

Mr. Downey highlighted this removal request saying the application request is for the removal of two Indian Laurel Fig Trees. He said that the applicant has raised concerns regarding the leaves falling on the roof, with respect to the tree closest to the building, hardscape damage, and potential damage to the private property. Mr. Downey said that since the Commission postponed the decision on the request from April, a section of the private sidewalk was cut out, and it has been determined that there is a tree root underneath the sidewalk. He said the root can be pruned and repairs made to the hardscape without ill affects to the

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tree. Mr. Downey said that the Street Tree Advisory Committee determined that the problems with the trees could be mitigated through maintenance and recommends denial of the removal request.

Commissioner Burns commented regarding the Upper State Street Fig trees, the roots on a number of them were trimmed and it was not until three or four years later until it was determined that it was not successful. He asked whether if the roots for the trees at this location were trimmed, how long will it be before it is determined to be successful, and if it is not successful, what action would be taken.

Mr. Downey said that the pruning of the roots on the trees on Upper State Street was done for sidewalk and street repairs directly adjacent to the tree; very large roots were cut on more than one side at one time. He said the work required to make the repairs on the trees that are the subject of this particular removal request would be much smaller cuts and farther away from the tree. He said he does not anticipate any ill affects to the tree from the root pruning in the near future.

Ms. Beverly Isles, applicant, indicated that there is damage to the property, the sidewalk walkway is cracked and lifted so water runs into the stores. She said that with the last rain there were tons of leafs on the roof, which cost her \$500 to have it cleaned. Ms. Isles said the tree overhangs the roof and is too close to the structure and is hitting the foundation. She said the contractor said the roots are huge and are lifting the walkway, which causes water to run into the stores. Ms. Isles said that if the roots are pruned, they will weaken the tree. She said the roof is a flat rock roof which is not made to be walked on, which is necessary to clean off the roof when the leaves collect on it. She said the leaves stop the water from draining down and the weight of the water leaked into the buildings and the ceiling fell in on two of the tenants' property causing water damage. Ms. Isles said this has been an issue for several years now. Ms. Isles asked that the tree be removed and the damage to the sidewalk to be repaired so she does not have the problem. Ms. Isles said she has documented case paperwork concerning these types of issues.

Commissioner Ferrara asked whether the tree has caused water to go into the building and created damage.

Mr. Downey said that the roots have lifted the pavement in front of the businesses; the applicant alleges that water runs into the businesses, and he has no evidence to disprove that statement. He said the problem is the lifted concrete, and it is the Committee and staff opinion that the repairs can be made and the tree preserved for many more years. He said the leaves fall on the roof, as they do all over the City.

Commissioner Ferrara asked whether the root pruning will solve the problem of sidewalk damage in the future.

Mr. Downey said there is no guarantee that it will completely stop any lifting, but the root pruning staff will allow to occur will allow the original hardscape to be

replaced. He further said that a root barrier could be installed, which could delay any possible future damage.

Commissioner Burns commented that if this was at a person's home, the Commission might allow the removal, and he does not believe there is a different standard for commercial owners. He said that since it is a City tree, he assumed that the City would be performing the maintenance work and sidewalk repair. He asked how you determine whether it will flood again.

Mr. Downey said that at the time the repairs are made, the contractor would set up the forms and put levels on it to determine which direction the water would flow before the cement would be replaced. He said regarding the foundation of properties, tree removals have been approved usually after they have proven there is damage to the foundations and the pruning of the roots will not stop the damage. Mr. Downey said that in this case, there is no evidence that the tree is causing any damage to the foundation.

Commissioner Longstreet commented that all the concerns that have been expressed are related to the tree closest to the building; two trees are the subject of the removal request. She asked why the second tree would be removed.

Mr. Downey said the applicant is requesting the removal of the second tree because of its proximity to the parking lot and the potential it might cause damage to the parking lot.

Ms. Rapp clarified for the Commission that the public sidewalks have been replaced, and the sidewalks that are contributing to the flooding problem are private property. She said that is the property owner responsibility. She said the issue of root pruning is still an option in terms of protecting the tree.

Commissioner Longstreet asked when the public sidewalk was replaced, were the roots pruned at that time.

Mr. Downey responded that there was minor root pruning done at that time. He said no large roots were removed at that time, only roots that were lifting the particular portion of the public sidewalk were removed.

Chair Wiscomb asked if that was in 2006.

Mr. Downey indicated that occurred in March 2011.

Commissioner Longstreet expressed that the Indian Laurel Fig trees are big beautiful trees which are much of the character of Milpas Street. She asked whether as the property owner is repairing her property, can an informed decision on the part of the City Arborist in the form of root pruning be made, when the concrete is gone. She said this could potentially be a way to save the tree and allow the Arborist to really see what is happening with the roots.

Mr. Downey said that at the time repairs are made, he would want to be on site to determine the degree of root pruning required, so the applicant can make repairs to her private property. He further said that at that time, if he determines the



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work necessary to repair her damage would destabilize the tree, the City would remove the tree so she can make her repairs.

Commissioner Longstreet said she is more comfortable with moving forward with the repairs with Mr. Downey being present to supervise the root pruning to deem the tree unstable at that time, if appropriate.

Chair Wiscomb said she shares Ms. Longstreet's view that the second tree was thrown in because of potential damage. She said she is struggling with the five conditions the Commission must consider in order to approve the removal of a tree. Ms. Wiscomb said that she does not see that any of the conditions are met with this request. She said she is in favor of the solution of Mr. Downey being present when the property owner makes her repairs and he determines the root pruning is sufficient to require the removal of the tree, then the applicant does not have to go through the removal process any further.

Chair Wiscomb agreed that the trees do have a great deal of character and the character of the neighborhood is materially affected by removal of the trees, saying they are an important part of Milpas Street and she cannot support removal.

Commissioner Burns agreed the tree near the parking lot should not be removed. He said the issue is the tree closest to the building, where there is property damage caused by a City tree; he asked who pays for the maintenance of the tree, and who pays for the sidewalk. Mr. Burns said that it has just been said that the property owner pays for the sidewalk, however, it is a City tree causing the damage. He said that he thinks the City should pay for the sidewalk.

Mr. Downey said that regarding the damage, any person who has a financial loss to the City has a right to file a claim with the City to recover those damages. He said that is handled through the Risk Management Division of the Finance Department.

**Commissioner W. Scott Burns moved, seconded by Commissioner Nicolas Ferrara, that of the two trees, deny the tree in the parking lot, and allow removal of the tree closest to the building at 21 N. Milpas Street.**

**The Motion Failed.**

**Commissioner Beebe Longstreet moved, seconded by Commissioner Lesley Wiscomb, and passed 3/1 to concur with the Street Tree Advisory Committee recommendation to deny the removal of the trees and have the City Arborist assess the root pruning necessary and the safety and stability of the tree as the repairs are made to private property at 21 N. Milpas Street.**

Commissioner Burns commented that the Commission is letting the applicant know she has the right to go to Risk Management to file a claim for whatever maintenance needs to be done to the tree. He said that could be a long tenuous process. Mr. Burns said the Commission is letting the applicant handle the issues and he is not sure how well that will work.

Commissioner Longstreet said the City does not pay for repairs to private property. She said the Commission does not have any say over nor determine that. Ms. Longstreet said she trusts the City Arborist would be on site to determine the safety and stability of the tree. She said until the sidewalk is removed, it is unknown what the damage is. She stressed that any unsafe tree can be removed by the City Arborist at any time without the Commission input.

Commissioner Ferrara asked when the appeal would take place asking whether if Ms. Isles did not agree with Mr. Downey's decision on site, could she file an appeal.

Mr. Downey advised that the Municipal Code dictates the time constraints during which the appeal must be filed, which is 10 days. He said that once 10 days has passed, the Commission's decision cannot be appealed. Mr. Downey said that if Ms. Isles feels conditions have changes since the Commission's decision, she has the right to reapply for removal if she disagrees with staff's assessment.

Chair Wiscomb asked if there is a one-year time period before she can reapply. Mr. Downey said the time period was removed from the Municipal Code in 2009.

Commissioner Burns asked whether if Mr. Downey inspects the root pruning and makes the call that the tree is stable, does Ms. Isles have the ability with another certified Arborist to state that the tree is not stable, or does it have to come back to the Commission.

Mr. Downey said that if the applicant provides a written report from a certified Arborist opposing his decision, he will review it and make a determination whether to re-evaluate his decision.

Chair Wiscomb expressed that there are too many unknown factors and it is worth going through the process.

Ms. Rapp clarified stating that the property owner is having the sidewalks replaced, and as part of that the City Arborist will be there making his recommendation on behalf of the City. She said the property owner has the option to have another Arborist on site and to weigh in on that opinion. She said the work would proceed with respect to the repair or replacement of the sidewalk. Ms. Rapp said the decision on the tree is not time sensitive; it could come back in another request to remove the tree, and the decision the Commission would get is with the City Arborist opinion and, if it exists, the opinion of the other Certified Arborist.

Commissioner Burns asked what happens when there is a split vote.

Mr. Downey said that if the Commission does not have a Majority vote and no new motion is made, it is deemed a non-action, and by Municipal Code, if there is no majority vote, the request is approved.

**B. Approve the following Setback Tree removal request.**

1. 533 E. Anapamu St. – Syzygium paniculatum, Brush Cherry –  
Joaquin Ornelas

Commissioner Beebe Longstreet moved, seconded by Commissioner W. Scott Burns, and passed 4/0 to concur with the Street Tree Advisory Committee recommendation and approve the removal of the tree at 533 E. Anapamu Street.

**C. Deny the following Setback Tree removal requests.**

1. 1801 Cleveland Ave. – (2) Eucalyptus citriodora, Lemon-scented Gum – David W. Sheets

Commissioner Nicolas Ferrara moved, seconded by Commissioner Beebe Longstreet, and passed 4/0 to concur with the Street Tree Advisory Committee recommendation regarding the trees at 1801 Cleveland Ave.

2. 3768 Brenner Dr. – Liquidambar styraciflua, American Sweetgum –  
Jerry Gibson

Commissioner Beebe Longstreet moved, seconded by Commissioner W. Scott Burns, and passed 4/0 to concur with the Street Tree Advisory Committee recommendation to deny the removal at 3768 Brenner Drive.

**6. Tree Removal Request: 507 Brosian Way (1) Eucalyptus Spp. Follow-Up - For Action**

Recommendation: That the Commission deny the removal request for the third tree at 507 Brosian Way.

Documents:

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Nancy L. Rapp, Parks and Recreation Director; Tim Downey, Urban Forest Superintendent
- Members of the Public: Si Lyon; Robert Forouzandeh, and Gil Barry;

Ms. Rapp provided an overview of this item for the Commission.

Mr. Downey provided updated information for the Commission.

Mr. Robert Forouzandeh indicated that with the help of Gil Barry and Mr. Downey, he and the neighbors have reached a compromise. He said he is withdrawing the application on behalf of the six applicants, and Mr. Lyons will withdraw the appeal of the Commission's approval of the removal of the two trees. Mr. Forouzandeh said they are also modifying the term of the Commission's prior action, saying the Commission previously authorized the two replacement trees to be placed within 100 yards of the current trees. He said that they have modified that requirement to 75 feet. Mr. Forouzandeh said that the requirement that the trees be able to achieve 30 feet in height

has not changed, and will be approved by Mr. Downey prior to approving the permit for the replacement trees. He said he understands from Mr. Downey that the pruning of the middle tree will take place mid-July, but no later than September 15th. Mr. Forouzandeh said that since an agreement has been reached, no action is needed.

Ms. Rapp advised that Commission that the legal agreement between the neighbors is not within the purview of the Parks and Recreation Commission. She clarified that the City Arborist would not sign it, but did confirm and summarize the agreement for the Commission.

Mr. Forouzandeh clarified that he is withdrawing his application for the third tree. Mr. Si Lyon spoke on behalf of the neighbors and said that they did come to an agreement. He suggested that during the pruning of the third tree that it be done first before the other two are removed, pending any damage to the third tree. He said he will withdraw his appeal to City Council, saying he is satisfied with the agreement.

Gil Barry asked the Commission to go along with the agreement and save the tree. He provided a brief history of the trees.

**Commissioner Beebe Longstreet moved, seconded by Commissioner W. Scott Burns, and passed 4/0 to accept the request to withdraw the application to remove the third tree at 507 Brosian Way.**

**NEW BUSINESS - None**

**OLD BUSINESS - None**

**ADMINISTRATIVE AND STAFF REPORTS**

**7. 2011 Police Activities League (PAL) Annual Report on the Twelve35 Teen Center - For Information**

Recommendation: That the Commission receive a presentation on the 2011 Police Activities League (PAL) Annual Report on the Twelve35 Teen Center.

Documents:

- Report from the Santa Barbara Police Activities League
- Speakers:
- Staff: Nancy L. Rapp, Parks and Recreation Director; Officer Kent Wojciechoski, Police Activities League

**8. Update on Upcoming Summer Special Events - For Information**

Recommendation: That Commission receive a report on the upcoming summer special events.

Documents:

- Staff Report

**ADJOURNMENT**



At 5:45 p.m., with no further business to be addressed by the Commission,

**Commissioner Beebe Longstreet moved, seconded by Commissioner W. Scott Burns, and passed 4/0 to adjourn.**

Respectfully submitted,

Nancy L. Rapp  
Parks and Recreation Director

RECEIVED

2011 JUL -5 AM 11:13

CITY OF SANTA BARBARA  
CITY CLERK'S OFFICE

July 5, 2011

City of Santa Barbara  
Parks and Recreation Department

Re: 21 No. Milpas St.  
Santa Barbara, CA

I am requesting an appeal regarding the property on Milpas Street  
Because I believe that the property is being damaged from the roots of the  
City tree and the roof , ceiling and water pipe from the roof is being a problem.  
The leaves from the tree causes damage on the roof. Also the tree is located  
too close to the building, which also caused cracks to the walkway and lifting the  
cement.

I will bring photos taken this week to show the impact regarding this matter.

Attached is a summary of more detailed information.

Your immediate attention is appreciated.

Sincerely,

Beverly Iles  
Telephone no.: 805-964-4968

The leaves on the roof at 21 N. Milpas St. and the too close proximity of the trees to the building have been creating a problem with the walkway on my property which now has cracks because the roots of the trees have travelled underneath the walkway and lifting the walkway along the frontage of the stores. When the sidewalk is washed (monthly) water flows into the stores instead of toward the parking lot. The angle is toward the building instead of toward the parking lot. The roots have been raising the walkway over the years and now a major problem. The roots under the walkway have to be removed and is your responsibility of the City of Santa Barbara to take care of that issue financially for the walkway replacement. The City will have to pay for all the expenses to have all this corrected, including the cost of the roof clean-up removal of all the leaves which caused leakage into the stores and ceiling tiles were damaged. It is the responsibility of the City to pay for the consequences from the damage due to the trees owned by the City. The costs already for the past damages of invoices submitted with the claim forms. In the past years when I had issues with the rain and water leaking into the shops, I did not realize that all those times with ceiling tiles falling and water on carpet... until now... that the leaves were the issue on the roof with the leaves dropping on the roof and the buildup of the roots growing under the walkway. All the damages were due to the leaves blocking the drains so water could not escape and finally leaking into the shops. It is now time to fix the problem by removing these trees and roots under the walkway.

The trees and branches are too close to the building and overhang on the roof. The wind blows the leaves on the roof and when it rains causes blockage with the drainage and the weight of the water and leaves will continue to cause more damage to the roof and to the ceilings in the stores. Attached are letters from the contractor and from the roofer confirming that the tree is a problem at this location.

I took new photos on July 2, 2011 which I have will for the appeal meeting.

I found out at the June 22nd meeting that the sidewalk was replaced by the tree at my property, so the City knew it was a problem and a continuing problem on to my property.

Figueroa Construction  
Raul A. Figueroa  
1493 Sycamore Canyon Rd.  
Santa Barbara, CA 93108  
(805) 962-0577  
fig@cox.net

June 22, 2011

To whom it may concern:

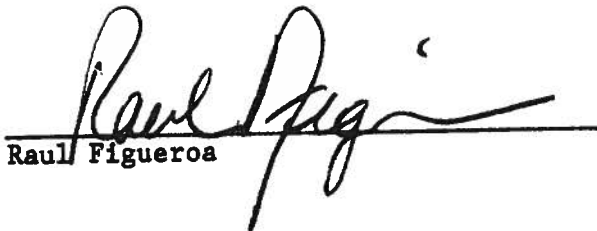
RE: 21 N. MILPAS STREET, SANTA BARBARA, CA 93103

I was asked to look at a concrete walkway at 21 N. Milpas Street. I observed a 6' wide walkway that has been lifted from tree roots. The sidewalk is sloped towards the building and water now drains towards the foundation of the building and into the stores.

I gave Beverly Iles a proposal to replace the concrete walkway 6' by 50' long. She also told me to show proof that the tree in the parkway was lifting the concrete sidewalk. We cut out 16" square of concrete and exposed the tree roots and took pictures. We then patched this 16" square with new concrete.

I told Beverly that the roots have lifted the walkway and then may lift the corner of the building. If this happens, it will cost a lot more money to fix this problem.

Sincerely,

  
Raul Figueroa

T. Angeles Roofing  
P.O. Box 40837  
Santa Barbara, CA 93103  
(805) 963-2343

June 22, 2011

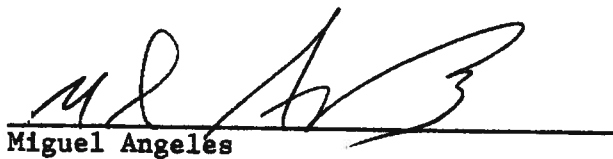
To whom it may concern:

RE: 21 N. MILPAS STREET, SANTA BARBARA, CA 93103

This company was called to repair roof leaks at 21 N. Milpas Street. The leaves that fall off the tree end up clogging the drains and when it rains, the water builds up and leaks inside.

Continuous walking on this type of roofing is not recommended. The roof membrane can be damaged causing more leaks.

Sincerely,



Miguel Angeles